

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: 18-cv-05755-YGR

Case Name: Estate of Sahleem Tindle et al. v Joseph Mateu III (Re-trial)

TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE:	PLAINTIFF ATTORNEY:	DEFENSE ATTORNEY:
Yvonne Gonzalez Rogers	Dale Allen, Patrick Moriarty	John Burris; Ben Nisenbaum
TRIAL DATE: 2/26/2020	REPORTER(S) PAM HEBEL	CLERK: Frances Stone

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		2/26/2020			COURT REPORTER: PAM HEBEL	
		8:00am			Case called. Discussion with counsel.	
		8:25am			RECESS	
		8:52am			Discussion with counsel re witness scheduling	
		8:55am			RECESS	
		9:20am			Jury Panel enters courtroom for roll call	
		9:50am			Judge enters courtroom. Panel sworn.	
		9:51am			Voir Dire begun	
		11:17am			Recess for Panel	
		11:18am			Discussion with counsel	
		11:22am			Recess for counsel	
		11:29am			Discussion with counsel [re excused for cause]	
		11:30am			Jury Pane enters courtroom	
		12:51pm			Recess for panel (return at 1:20pm)	
		12:52pm			Discussion with counsel re challenges for cause	
		1:00pm			RECESS for counsel	
		1:17pm			Discussion with counsel re challenges for cause	
		1:30pm			Jury panel enters courtroom. Voir dire resumes	
		1:48pm			Plaintiff attorney John Burris voir dire of jurors in jury box	
		2:02pm			Defendant attorney Patrick Moriarty voir dire of jurors in jury box	
		2:18pm			Recess for Juror panel	
		2:19pm			Discussion with counsel re challenges for cause and peremptory challenges	
		2:26pm			Recess for counsel	
		2:36pm			Discussion with counsel.	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		2:43pm			Jury Panel enters courtroom and all seated in the gallery seating	
		2:44pm			Jury of 8 seated in the box	
		2:46pm			Jury Sworn. Remainder of Juror Panel dismissed	
		2:47pm			Court gives Instructions to the Jury	
		3:10pm			Jury recess for the day. Trial set 2/27/2020 at 8:30am for Jury. Counsel to be present at 8:00am	
		3:10pm			Discussion with counsel. RECESS.	
		2/27/2020			COURT REPORTER: PAM HEBEL	
		8:00am			Case called. Discussion with counsel re title of case.	
		8:12am			RECESS	
		8:15am			Discussion with counsel	
		8:18pm			RECESS	
		8:35pm			Discussion with counsel at bench re note	
		8:36pm			RECESS	
		8:59pm			Judge enters courtroom	
		8:54am			Jury enters courtroom	
		8:54am			Court instructs the Jury	
		9:14am			Plaintiff attorney Benjamin Nisenbaum Opening Statement	
1A					Video 1A played in Courtroom	
10-B		9:44am			Slowed version of Video played in Courtroom	
					Portion OIS Interview played in Courtroom	
		9:53am			Defendant attorney Dale Allen Opening Statement	
		10:30am			RECESS (15 min)	
		10:45am			Plaintiff attorney Nisenbaum calls witness Gregg Stutchman for Direct	P
		10:55am			Plaintiff attorney Nisenbaum offers witness Stutchman as Expert witness	
		10:56am			Court accepts as expert witness as stated on the record	
		10:56am			Plaintiff attorney Nisenbaum resumes Direct of witness Stutchman	
9A-9X			X	X	9A-9X Photos admitted in evidence	
10B-1			X	X	Video played in courtroom	
10-B			X	X	Video	
		11:13am			Defendant attorney Patrick Moriarty Cross of witness Stutchman	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
			X	X	Photos 9A, 9E, 9I, 9M, 9B, 9F, 9J, 9N, 9C, 9G, 9K, 9D, 9H, 9L	
		11:42am			Plaintiff attorney Nisenbaum Redirect of witness Stutchman	
		11:53am			Defendant attorney Moriarty Re-Cross of witness Stutchman	
		11:56am			Plaintiff attorney Nisenbaum Redirect of witness Stutchman	
		11:58am			RECESS (15 min)	
		12:18pm			Jury enters courtroom	
		12:19pm			Plaintiff attorney Nisenbaum calls witness Dr. John Iocco for Direct	P
		12:24pm			Plaintiff attorney offers witness Iocco as expert witness	
		12:24pm			Court accepts witness as expert witness as stated on the record	
		12:24pm			Plaintiff attorney Nisenbaum resumes direct of witness Iocco	
		12:34pm			Defendant attorney Moriarty cross of witness Iocco	
		12:49pm			Plaintiff attorney Nisenbaum Redirect of witness Iocco	
		12:50pm			Witness excused from stand	
		12:53pm			Plaintiff attorney Nisenbaum calls witness Joseph Mateu for Direct	P
		1:35pm			RECESS for Jury for the day. Further Jury trial set 2/28/2020 at 8:30am.	
		1:37pm			Discussion with counsel	
		1:42pm			RECESS for Counsel. 2/28/2020 at 8:00am counsel to be present	
		2/28/2020			COURT REPORTER: PAM HEBEL	
		8:00am			Discussion with counsel. Recess	
		8:01am			Case called. Discussion with counsel. Caption of the current case will be: ESTATE OF SAHLEEM TINDLE, et al. VS. JOSEPH MATEU, III	
		8:03am			RECESS	
		8:19am			Discussion with counsel.	
	103E-1				One page frame	
		8:22am			RECESS for counsel	
		8:23am			Jury enters courtroom.	
		8:24am			Plaintiff attorney Nisenbaum Resumes Direct of Witness Joseph Mateu	

EXHIBIT and WITNESS LIST CONTINUED

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		8:37am			Portion of OIS interview played in the courtroom	
		8:50am			Portion fo OIS interview played in courtroom	
		8:51am			Portion of deposition of Mateu read in courtroom	
		8:52am			Portion of deposition of Mateu read in courtroom	
		9:06am			Portion of OIS interview played in courtroom	
		9:10am			Defendant attorney Allen Cross of witness Mateu	
		9:50am			Plaintiff attorney Nisenbaum Redirect of witness Mateu	
		9:53am			Portion of OIS interview played in courtroom	
		10:00am			Defendant attorney Allen Re-Cross of witness Mateu	
		10:01am			RECESS(15 min)	
		10:16am			Discussion with counsel	
		10:18am			Jury enters courtroom	
		10:18am			Discussion with counsel at bench re jury note/question	
		10:20am			Plaintiff attorney Burriss calls witness Roger Clark for Direct	P
		10:47am			Plaintiff attorney Burriss offers witness Clark as expert. Court accepts witness Clark as expert witness as stated on the record	
		10:48am			Plaintiff attorney Burriss resumes Direct of witness Clark	
10-B-1					Video	
		11:30am			Defendant attorney Allen Cross of Witness Roger Clark	
		11:44am			RECESS for Jury (15 min)	
		11:45am			Discussion with counsel	
		11:46am			RECESS for counsel	
		12:00pm			Discussion with counsel	
		12:01pm			Jury enters courtroom	
		12:01pm			Defendant attorney Allens resumes Cross of witness Roger Clark	
		12:25pm			Plaintiff attorney Burriss Redirect of witness Clark	
		12:30pm			Break in proceeding	
		12:30pm			Discussion with counsel at bency re jury note/question	
		12:31pm			Court asks witness Clark question re jury note	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		12:32pm			Court Instructs Jury re response to jury question re note	
		12:33pm			PLAINTIFF RESTS	
					Defense Rule 58 motion to be held later.	
		12:34pm			Defendant attorney Moriarty calls witness Jason Fries for Direct	D
		12:38pm			Defendant attorney Moriarty offers witness Fries as expert witness. Court accepts as expert witness as stated on the record	
		12:39pm			Defendant attorney Moriarty resumes Direct of witness Fries	
	103A		X	X	Slide	
	103B		X	X	Slide(photo)	
	103E-1		X	X	Slide(photo)	
	103H		X	X	Slide(photo)	
	103A		X	X	Slide(photo) (from 208)	
	103E-1		X		Slide (photo)with writing on it by witness	
	103E		X	X	Slide(photo)	
		1:19pm			Plaintiff attorney Nisenbaum Cross of witness Fries	
10-B-1					Video played in courtroom	
		1:32pm			Discussion with counsel at bench	
		1:33pm			Plaintiff attorney Nisenbaum resumes Cross of witness Fries	
		1:38pm			Defendant attorney Moriarty Redirect of witness Fries	
		1:39pm			Jury note/question) handed to CRD in courtroom	
		1:41pm			Discussion with counsel at bench re jury note/question.	
		1:42pm			Court instructs Jury re "Do Not" instructions	
		1:43pm			Witness Jason Fries returns to stand re Jury note/question.	
		1:44pm			Court reads jury note question to witness Fries on the stand.	
		1:47pm			Plaintiff attorney Nisenbaum Cross of witness Fires re jury note/question and witness response	
		1:48pm			Witness excused from the stand	
		1:49pm			RECESS for Jury for the day. Further Jury Trial set 3/2/2020 at 8:30am	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		1:50pm			Discussion with counsel re Oral Motion for Judgment as a matter of Law ; Rule 58 motion Held	
		1:53pm			Court ADMITS the following exhibits: 9A-9X; 10-B; 10D, 103A, 103E, 103E-1, 103H	
		1:54pm			Plaintiff informs the court that Plaintiff RESTS	
		2:00pm			RECESS for counsel for the day. Further Jury trial set 3/2/2020 at 8:30am for Jury; Counsel to be present at 8:00am.	
		3/2/2020			COURT REPORTER: PAM HEBEL	
		8:00am			Case called. Discussion with counsel.	
		8:06am			Recess	
		8:07am			Discussion with counsel	
		8:18am			Recess	
		8:32am			Judge enters courtroom	
		8:33am			Jury enters courtroom	
		8:35am			Court Instructs Jury as to response to a juror note/question of 2/28/2020	
		8:37am			Defendant attorney Allen calls witness Steve Papenfuhs for Direct	D
		9:03am			Defendant attorney Allen offers witness Papenfuhs as expert witness. Court accepts witness Papenfuhs as expert witness as stated on the record	
5			X		BART use of force policy – portion- I'D ONLY	
		9:49am			Plaintiff attorney Burris Cross of witness Papenfuhs	
		10:02am			RECESS(15 min)	
		10:18am			Judge enters courtroom	
		10:19am			Jury enters courtroom	
		10:19am			Plaintiff attorney Burris resumes Cross of witness Papenfuhs	
		11:01am			Defendant attorney Allen Redirect of witness Papenfuhs	
		11:17am			Plaintiff attorney Burris Re-Cross of witness Papenfuhs	
		11:20am			Witness excused from the stand	
		11:21am			DEFENSE RESTS. No Plaintiff Rebuttal case.	
					Discussion with counsel at bench re jury note/questions	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		11:23am			Court Instruction to Jury re jury note/questions	
		11:25asm			COURT INSTRUCTS JURY (re Phase One of Trial)	
		11:46am			RECESS	
		12:02pm			Jury enters courtroom	
		12:03pm			Plaintiff attorney Nisenbaum Closing Statement	
		12:15pm			Portion of OIS Interview audio played in courtroom	
10B					Slowed video played in courtroom	
		1:03pm			RECESS (10 min)	
		1:14pm			Jury enters courtroom	
		1:14pm			Defendant Allen Closing Statement	
		1:51pm			Defense completed closing	
		1:53pm			Plaintiff attorney Burris Rebuttal Closing statement	
		2:08pm			Court gives Further Instructions to the Jury	
		2:16pm			Jury exits to begin DELIBERATION (Phase One)	
		2:30pm			Recess for Counsel	
		3:00pm			Jury Note	
		3:05pm			Discussion with counsel re note	
		3:12pm			Recess for counsel	
		4:04pm			Jury leaves for the day and will return 3/3/2020 at 8:15am for Deliberation	
		4:04pm			Jury note	
		4:05pm			Discussion with counsel re Jury note. Counsel to return on 3/3/2020 at 8:00am for further discussion re Jury note/response	
		4:10pm			Recess for Counsel for the day.	
		3/3/2020			COURT REPORTER:PAM HEBEL	
		8:00am			Discussion with counsel re Jury Note of 4:04pm on 3/2/2020	
		8:03am			Recess for counsel	r
		8:25am			Jury Resumes Deliberation	
		8:26am			Jury enters courtroom re Response to Jury Note of 3/2/2020 at 4:04pm	
		8:30am			Jury exits courtroom and resumes Deliberations	
		8:30am			Recess for counsel	
		10:25am			Jury takes 15 min break re deliberation	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		10:40am			Jury Resumes Deliberations	
		2:05pm			RECESS for Jury for the day . Further Jury Deliberation 3/4/2020 at 8:15am	
		3/4/2020			COURT REPORTER: PAM HEBEL	
		8:30am			Jury Resumes Deliberation	
		8:35am			Jury scheduling note	
		1:00pm			Jury note	
		1:35pm			Discussion with counsel	
		1:40pm			Recess for counsel	
		3:41pm			Jury note	
		3:45pm			Discussion with counsel at bench	
		4:00pm			Recess for Counsel . Counsel to return 3/5/2020 at 8:00am.	
		4:00pm			Jury exits today at 4:00pm . Further Deliberations at 8:15am on 3/5/2020.	
		3/5/2020			COURT REPORTER: PAM HEBEL	
		8:01am			Discussion with counsel- off the record	
		8:05am			Discussion with counsel on the record	
		8:17pm			RECESS for counsel	
		8:19am			Discussion with counsel re jury schedule	
		8:22am			RECESS	
		8:35am			Jury resumes Deliberation	
		8:50am			Jury note re schedule	
		10:29am			Jury Note re verdict [VERDICT SEALED]	
		10:34am			Court and counsel on the record in courtroom	
		10:36am			JURY ENTERS COURTROOM FOR PHASE TWO OF TRIAL- EVIDENTIARY PORTION	
		10:37am			Plaintiff attorney Nisenbaum Opening Statement	
		10:53am			Defendant attorney Moriarty Opening Statement	
		11:11am			Plaintiff attorney Nisenbaum calls witness Yolanda Banks-Reed for Direct	
7A			X	X	Photo	
7B			X	X	Photo	
7C			X	X	Photo	
7D			X	X	Photo	
7E			X	X	Photo	
7F			X	X	Photo	
7H			X	X	Photo	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
7-O			X	X	Photo	
8B			X	X	Photo	
8C			X	X	Photo	
8G			X	X	Photo	
		11:56am			Witness excused from stand	
		11:57am			Plaintiff attorney Burris calls witness Ciara Turner for Direct	
10B			X	X	Video	
		12:18pm			Video portion played in courtroom	
		12:19pm			Recess for Jury (20 min)	
		12:20pm			Discussion with counsel	
		12:21pm			Recess for counsel	
		12:43pm			Discussion with counsel	
		12:45pm			Jury enters courtroom	
		12:45pm			Plaintiff attorney Burris resumes direct of witness Turner	
		12:56pm			Plaintiff attorney Nisenbaum Additional Direct of Witness Yolanda Banks-Reed	
		12:58pm			Witness excused from witness stand	
		12:59pm			Defendant attorney Moriarty resumes Cross of witness Turner	
106			X		Multi-page document- I'D ONLY	
		2:00pm			Defendant attorney Moriarty resumes cross of witness Turner	
		2:00pm			Trial will resume TUESDAY, 3/10/2020 at 8:30am. NO Trial on Friday, 3/6/2020 and NO Trial on Monday, 3/9/2020.	
		2:01pm			RECESS for Jury for the day. Trial resumes TUESDAY, 3/ 10/2020 at 8:30am.	
		2:04pm			Recess for counsel for the day. Further Jury Trial 3/10/2020 at 8:00am for counsel; Jury at 8:30am	
		3/10/2020			COURT REPORTER: PAM HEBEL	
		8:00am			Case called. Discussion with counsel. Court admits the following Exhibits in Evidence: 7A-7-E and 7H and 7O; 8B, 8C, 8G; 9A-9X; 10-B-1, 10D; 10B, 103A, 103-E, 103 E-l; 103H, 101A-101D	
		8:09am			RECESS	
		8:29am			Jury enters courtroom	
		8:30am			Defendant attorney Moriarty calls witness Joseph Mateu for Direct.	
		8:33am			Plaintiff attorney Nisenbaum Cross of witness Mateu	

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		8:34am			Witness Mateu excused from witness stand	
		8:35am			Recess for Jury	
		8:42am			Discussion with counsel	
		8:43am			Recess	
		8:44am			Discussion with counsel	
		8:45am			Recess	
		8:52am			Witness Turner enters courtroom	
		8:53am			Jury enters courtroom	
		8:53am			Defendant attorney Moriarty resumes Cross of witness Ciara Turner	
	107		X		Police Report #150409849	
		9:49am			Portion of video played in courtroom	
	101A		X	X	photo	
	101C		X	X	Photo	
	101D		X	X	Photo	
					Witness Turner marks on Exhibit 101D with red ink	
		9:59am			Plaintiff attorney Burris Redirect of witness Ciara Turner	
		10:12am			Defendant attorney Moriarty Recross of witness Turner	
	108		X		SF police Report page 6 #160766200	
					Page 8 of 14 9-21/16	
		10:22am			Plaintiff attorney Burris Redirect of witness Turner	
		10:24am			Witness excused from stand	
		10:24am			PLAINTIFF RESTS	
		10:25am			Defendant attorney Moriarty calls witness Michael Cardoza for Direct	D
	101A		X	X	Photo	
	101B		X	X	Photo	
		10:40am			RECESS (15 min)	
		10:56am			Jury enters courtroom	
		10:56am			Defendant attorney Moriarty resumes Direct of Witness Cardoza	
	101C		X	X	Photo	
	101D		X	X	Photo- with initials CT and a circle on it in red re Officer Mateu	
	101C				Photo	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		11:18am			Plaintiff attorney Nisenbaum Cross of witness Michael Carodoza	
	101B		X	X	Photo	
		11:48am			Defendant attorney Moriarty Redirect of witness Carodoza	
					Video portion played in courtroom	
	101A		X	X	Photo	
		12:00pm			Witness excused from Stand	
		12:01pm			Discussion with counsel at bench	
		12:02pm			Court directs question to witness Cardoza re jury note/question	
		12:03pm			Defendant attorney Moriarty Redirect of witness Cardoza	
		12:06pm			Plaintiff attorney Nisenbaum Re-Cross of witness Cardoza	
		12:08pm			Court asks question of witness re jury note/question	
		12:10pm			RECESS FOR JURY FOR LUNCH of 30 minutes	
		12:12pm			Discussion with counsel	
	101D		X	X	101D with mark by witness . 101D with mark replaces exhibit 101D.	
		12:35pm			RECESS	
		12:40pm			Judge enters courtroom	
		12:41pm			Jury enters courtroom	
		12:42pm			Defendant attorney Moriarty calls witness Helena Wong for Direct	D
		12:45pm			Defendant attorney Moriarty offers witness Wong as expert witness. Court accepts as expert witness as stated on the record	
		12:46pm			Defendant attorney Moriarty resumes direct of witness Wong	
		1:08pm			Plaintiff attorney Nisenbaum Cross of witness Wong	
		1:16pm			Defendant Moriarty Redirect of witness Wong	
		1:20pm			Court asks question of witness Wong re jury note/question	
		1:22pm			Defendant Moriarty redirect of witness Wong	
		1:24pm			Plaintiff attorney Nisenbaum Re-Cross of witness Wong	
		1:25pm			Witness excused from stand	
		1:25pm			Court instructs Jury re reading depositions in this case	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		1:27pm			Defendant attorney Moriarty calls witness Demora Evans through the reading of deposition excerpts by attorney Moriarty and Defendant attorney Allen	D
		1:53pm			Plaintiff attorney Nisenbaum reads with assistance of defense counsel portions of Evans Depositions	
		1:56pm			Defendant attorney Moriarty and Defendant attorney Allen read portions of Evans Deposition.	
		1:56pm			DEFENSE RESTS	
		1:57pm			RECESS (10 min)	
		2:08pm			Judge enters courtroom	
		2:11pm			Jury enters courtroom. COURT INSTRUCTS JURY AS TO PHASE TWO OF TRIAL	
		2:26pm			Plaintiff attorney Nisenbaum Closing Statement.	
		2:46pm			Defendant attorney Moriarty Closing Statement	
		3:50pm			RECESS	
		3:53PM			Plaintiff attorney Burris Rebuttal Closing Statement	
		4:13pm			Court gives further Instructions to the Jury.	
		4:15pm			Jury exits courtroom and begins Deliberation	
		4:16pm			Discussion with counsel.	
		4:18pm			Recess for counsel	
		4:25pm			Jury note	
		4:25pm			Jury exits for the day and will retrun 3/11/2020 at 8:00am	
		4:27pm			Discussion with counsel	
		4:32pm			Recess for counsel.	
		3/11/2020			COURT REPORTER: PAM HEBEL	
		8:25am			Further Jury Deliberation	
		1:43pm			Counsel and Court discussion with counsel re defense email request to go on the record.	
		2:10pm			RECESS. Counsel to return at 3:30pm.	
		3:25pm			Counsel and Court Discussion.	
		3:31pm			JURY NOTE- Verdict reached	
		3:34pm			Discussion with counsel.	
		3:37pm			Jury enters courtroom.	
		3:40pm			Verdict for Phase One signed 3/5/2020 Read in Courtroom. Jury polled, Unanimous	

[illegible]